

PATENT  
IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor: Alexander Medvinsky ) Confirmation No.: 8249  
                                  )  
                                  ) Customer No.: 000043471  
U.S. Serial No.: 09/765,108 )  
                                  ) Art Unit: 2136  
Filed: January 16, 2001      )  
                                  ) Examiner: Carl G. Colin  
                                  )  
Title: SYSTEM FOR SECURELY COMMUNICATING INFORMATION PACKETS

Declaration Under 37 C.F.R. § 1.131

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Charles J. Kulas, declare as follows:

1. I am a registered patent attorney and worked at the law firm of Townsend and Townsend & Crew, LLP and represented Motorola, Inc. during October of 2000.
2. On January 22, 2007, I was provided selected documents concerning communications between Townsend and Townsend and Crew, LLP, in which I am addressed. See, Exhibit 1, Letter From Motorola, Inc. To Townsend and Townsend and Crew, LLP, addressed to myself. I was also directed to the file history of U.S. Patent Application Serial No. 09/765,108 corresponding to Townsend and Townsend and Crew, LLP, 's reference number 018926-006400US and Motorola, Inc.'s reference number D2538 (the "Patent Application"). I was also provided additional documents concerning communications between Townsend and Townsend and Crew, LLP and Motorola, Inc. which contains the afore mentioned U.S. Serial Number, Townsend and Townsend and Crew, LLP reference number and Motorola, Inc. reference number. See, Exhibit 2, Letter From Townsend and Townsend and Crew, LLP to Motorola, Inc. Exhibits 1 and 2 were provided to me or directed to me under the direction of Larry T. Cullen, an attorney with Motorola, Inc., and are attached hereto.

*1 of 10*

*CK*

3. I am the person addressed in a letter from Motorola dated October 10, 2000, which is attached hereto, hereafter "the Exhibit 1".
4. To the best of my recollection and understanding from the Exhibit 1, my services were requested to prepare a patent application from an invention disclosure provided by Motorola, Inc. Upon present information and belief, the resulting patent application was prepared at Townsend and Townsend and Crew, LLP, filed on January 16, 2001 and assigned U.S. Patent Application Serial No. 09/765,108 (the above U.S. Serial number).
5. To the best of my recollection I, including Townsend and Townsend and Crew, LLP, maintained a docket of cases to be drafted which effectively constituted a backlog of unrelated cases. In the standard practice of myself and Townsend and Townsend and Crew, LLP, cases in the backlog were taken up in chronological order and prepared expeditiously.
6. I hereby declare that all statements made herein based upon knowledge are true, and that all statements made based on upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated:

1-22-07

By:

  
Charles J. Kulas

2 of 10

TOWNSEND  
and  
TOWNSEND  
and  
CREW

LLP

Rec'd 5/30  
Sent to T+T = 5/31 - 2 day

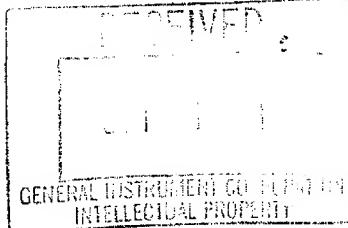
Denver, Colorado  
Tel 303 571-4000  
Palo Alto, California  
Tel 650 326-2400  
Seattle, Washington  
Tel 206 467-9600

San Francisco  
Two Embarcadero Center  
Eighth Floor  
San Francisco  
California 94111-3834  
Tel 415 576-0200  
Fax 415 576-0300

Direct: 415 273-7564  
fdnwamu@townsend.com

May 25, 2001

Sandi Jenkins  
GENERAL INSTRUMENT CORP.  
Motorola, Inc.  
Broadband Communications Sector  
6450 Sequence Drive  
San Diego, CA 92121



**ACTION REQUIRED**

F

Re: US Patent Application No. 09/765,108  
For: SYSTEM FOR SECURELY COMMUNICATING INFORMATION PACKETS  
Inventor: Alexander Medvinsky  
Filed: January 16, 2001  
Client Reference No.: D2538  
Our File No.: 018926-006400US

Dear Sandi:

We are in receipt of the executed notarized assignment and executed declaration for the above-referenced application in response to my May 9, 2001 letter to you. The assignment incorrectly referred to General Instrument, INC. Please have Sasha execute the enclosed corrected assignment and return it to us for filing with the Patent Office. Upon our receipt of the assignment we will forward the power of attorney and Statement Under 37 CFR 3.73(b) to Carol Smith.

Enclosed is a copy of the declaration and transmittal as filed yesterday in the Patent Office.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fidel D. Nwamu".

Fidel D. Nwamu

FDN/amb  
Enclosures  
cc: Carol Smith  
SF 1228068 v1

3 of 10

CK

ASSIGNMENT OF PATENT APPLICATION

SOLE

WHEREAS, Alexander Medvinsky, of 8873 Hampe Court, San Diego, CA 92129; hereinafter referred to as "Assignor," is the inventor of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: **SYSTEM FOR SECURELY COMMUNICATING INFORMATION PACKETS**

Date(s) of execution of Declaration: May 21, 2001

Filing Date: January 16, 2001

Application No : 09/765,108; and

WHEREAS, GENERAL INSTRUMENT CORPORATION, a corporation of the state of Delaware, located at Motorola, Inc , Broadband Communications Sector, 101 Tournament Drive, Horsham, PA, 19044, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U S Letters Patent and Registrations which may be granted on the same;

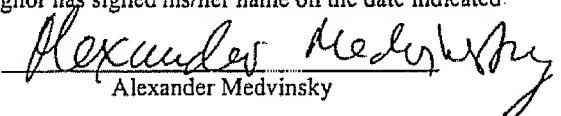
For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns

Assignor hereby authorizes and requests Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8<sup>th</sup> Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated: 5-30-2001

  
Alexander Medvinsky

SF 1222568 v1





TO THE U.S. PATENT & TRADEMARK OFFICE  
Please stamp the date of receipt of the following document(s)  
and return this card to us:

RE: System for Securely Communicating Information Packets  
TITLE OF DOCUMENT(S):

copy of Formalities Letter Notice  
Fee Transmittal (w/authorization to charge deposit acct)  
Executed Declaration

Application No. 09/765,108  
File No. 018926-006400US  
Date Due 5/30/01  
Date Mailed 5/24/01  
Atty/Secty. FDN/amb

CK

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D C 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/765,108	01/16/2001	Alexander Medvinsky	18926-006400US

## CONFIRMATION NO. 8249

20350  
 TOWNSEND AND TOWNSEND AND CREW  
 TWO EMBARCADERO CENTER  
 EIGHTH FLOOR  
 SAN FRANCISCO, CA 94111-3834

## FORMALITIES LETTER



\*OC00000005919142\*

Date Mailed: 03/30/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$116.
  - \$36 for 2 total claims over 20.
  - \$80 for 1 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 956.

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*A copy of this notice **MUST** be returned with the reply.*

*EW*  
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

*6 of 10*

*CK*

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision

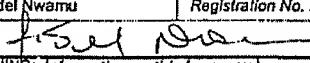
TOTAL AMOUNT OF PAYMENT (\$ 1,036

## Complete If Known

Application Number	09765,108
Filing Date	January 16, 2001
First Named Inventor	Alexander MEDVINSKY
Examiner Name	
Group Art Unit	2132
Attorney Docket No.	018926006400

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																																				
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:  <input type="text" value="20-1430"/>				<b>3 ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th colspan="2">Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td>Non-English specification</td> </tr> <tr> <td>147</td> <td>2,520</td> <td>147</td> <td>2,520</td> <td>For filing a request for reexamination</td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> </tr> <tr> <td>113</td> <td>1,840*</td> <td>113</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td>Extension for reply within first month</td> </tr> <tr> <td>116</td> <td>390</td> <td>216</td> <td>195</td> <td>Extension for reply within second month</td> </tr> <tr> <td>117</td> <td>890</td> <td>217</td> <td>445</td> <td>Extension for reply within third month</td> </tr> <tr> <td>118</td> <td>1,390</td> <td>218</td> <td>695</td> <td>Extension for reply within fourth month</td> </tr> <tr> <td>128</td> <td>1,890</td> <td>228</td> <td>945</td> <td>Extension for reply within fifth month</td> </tr> <tr> <td>119</td> <td>310</td> <td>219</td> <td>155</td> <td>Notice of Appeal</td> </tr> <tr> <td>120</td> <td>310</td> <td>220</td> <td>155</td> <td>Filing a brief in support of an appeal</td> </tr> <tr> <td>121</td> <td>270</td> <td>221</td> <td>135</td> <td>Request for oral hearing</td> </tr> <tr> <td>138</td> <td>1,510</td> <td>138</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td>Petition to revive -- unavoidable</td> </tr> <tr> <td>141</td> <td>1,240</td> <td>241</td> <td>620</td> <td>Petition to revive -- unintentional</td> </tr> <tr> <td>142</td> <td>1,240</td> <td>242</td> <td>620</td> <td>Utility issue fee (or reissue)</td> </tr> <tr> <td>143</td> <td>440</td> <td>243</td> <td>220</td> <td>Design issue fee</td> </tr> <tr> <td>144</td> <td>600</td> <td>244</td> <td>300</td> <td>Plant issue fee</td> </tr> <tr> <td>122</td> <td>130</td> <td>122</td> <td>130</td> <td>Petitions to the Commissioner</td> </tr> <tr> <td>123</td> <td>50</td> <td>123</td> <td>50</td> <td>Petitions related to provisional applications</td> </tr> <tr> <td>126</td> <td>160</td> <td>126</td> <td>160</td> <td>Submission of Information Disclosure Stmt</td> </tr> <tr> <td>581</td> <td>40</td> <td>581</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> </tr> <tr> <td>146</td> <td>710</td> <td>246</td> <td>355</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> </tr> <tr> <td>149</td> <td>710</td> <td>249</td> <td>355</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> </tr> <tr> <td>179</td> <td>710</td> <td>279</td> <td>355</td> <td>Request for Continued Examination (RCE)</td> </tr> <tr> <td>169</td> <td>900</td> <td>169</td> <td>900</td> <td>Request for expedited examination of a design application</td> </tr> <tr> <td colspan="4">Other fee (specify) _____</td> </tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td colspan="2">SUBTOTAL (3) (\$ 130)</td> </tr> <tr> <td colspan="6">The Commissioner is authorized to charge any additional fees to the above noted Deposit Account</td> </tr> </tbody></table>				Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description		Fee Paid	105	130	205	65	Surcharge - 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\*\*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY						Complete if applicable
Name (Print/Type)	Fidel Nwamu	Registration No. Attorney/Agent)	46,294	Telephone	415/576-0200	
Signature			Date	May 23, 2001		

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## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or  
 Application No. 09/765,108, filed on January 16, 2001,  
 as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

### FULL NAME OF INVENTOR(S)

Inventor one Alexander Medvinsky Date: 5/21/01

Signature: Alexander Medvinsky Citizen of: United States

Inventor two \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor three \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor four \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Additional inventors are being named on 1 additional form(s) attached hereto

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231  
SF 1222263 v1

*CK*

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October 10, 2000

Charles J. Kulas, Esq.  
Townsend Townsend & Crew  
Two Embarcadero Center  
8<sup>th</sup> Floor  
San Francisco, CA 94111-3834

via FEDERAL EXPRESS

RE: NEW PATENT APPLICATION for  
"RC4 ENCRYPTION FOR RTP WITH CODEC CHANGES AND COLLISION  
RESOLUTION"  
Our File: D2538

Dear Charlie:

Enclosed please find an Invention Record Form for a new invention. Please prepare a patent application based on the above identified invention disclosure. It is desired to file this application in the United States and Canada only as soon as possible. Please review the disclosure materials, attempt to draft some preliminary broad claims and contact the inventor(s).

If you have any questions, please contact me at (215) 323-1237.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol J. Smith".

Carol J. Smith  
Intellectual Property Administrator

Enclosure

D2538

## FedEx Ship Shipment Receipt

From: Carol Smith  
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Townsend and Townsend and Crew  
Two Embarcadero Center  
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San Francisco, CA 94111-3834

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Bill To Acct: 217633729  
Rate Quote: \$5.31  
Reference: 50320

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COD Amount: N/A  
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